REMARKS

Claims 1, 2, 5 - 10, 14 - 22 and 30 have been amended and claims 32 - 37 have been added in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated December 2, 2004.

Claims 1 - 37 remain in this application.

Certain claims (as set forth in item 2, page 2 of the outstanding Action) have been rejected under 35 USC §112, second paragraph, due to certain minor informalities, which the Examiner deemed needed correction, as specifically set forth in items 3 - 10, pages 2 and 3 of the outstanding Action. The applicant respectfully requests reconsideration of this rejection.

As indicated above, claims 6 - 10 and 14 - 22 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards his invention, and in order to correct certain informalities, including those pointed out by the Examiner.

For example, in each of claims 14 - 16, the following language is now recited:

> wherein said information, *acquired by said information acquiring section,* is information concerning movement of the movable body.

With respect to claim 20, "the information" has been changed to "information" in line 5, and maintaining "the information" in line 9 so as to provide the proper antecedent basis for such claim language. Moreover, the informality in the language of claim 30 (as set forth in item 1, page 2 of the outstanding Action) has been corrected.

Accordingly, the withdrawal of the outstanding indefiniteness rejection under 35 USC §112, second paragraph, is in order, and is therefore respectfully solicited.

As to the merits of this case, the following rejections are set forth:

(1) claims 1 - 7, 10 - 16 and 20 - 28 stand rejected under 35 USC §102(b) based on Hirono (U.S. Patent No. 6,246,958); and

(2) claims 8, 9, 17 - 19, 29, 30 and 31 stand rejected under 35 USC §103(a) based on Hirono in view of Kondou (U.S. Patent No. 6,073,075).

The applicant respectfully requests reconsideration of these rejections.

A significant structural arrangement or feature of the applicant's instant claimed invention includes the setting of communication condition information in accordance with the type of various information (such as, map, traffic, weather, area, shop and event information), and the judgment of the necessity for updating the various information based on the respective communication conditions (see, pages.25, 26, 28 and 29 of the applicant's specification), which are neither disclosed or suggested in the cited references, singly or combination. Since the updating request is transmitted at an appropriate timing in accordance with the type of the information, increase in the processing load and communication cost can be avoided while allowing retrieval of up-to0date information.

The applicant further respectfully submits that the necessity for communication is judged based on comparison between: (1)(A) updating (effective) period contained in the map information itself and (B) (scheduled) updating date on traffic and weather information or the like, and (2) the current date. The updating period and updating date are set independent of the current date and are merely compared with the current date in determining the necessity for the communication.

Based on the above, not all of the claimed elements or features, now set forth in the amended claims filed herewith, are found in exactly the same situation and united in the same way to perform the identical function in Hirono's apparatus or method. As such, there can be no anticipation of the applicant's claimed invention under 35 USC §102(b) based on the teachings of the Hirono reference.

Accordingly, the withdrawal of the outstanding rejection under 35 USC §102(b) based on Hirono (U.S. Patent No. 6,246,958) is in order, and is therefore respectfully solicited.

Moreover, based on the applicant's above arguments, a person of ordinary skill in the art would not have found the applicant's claimed invention, as now recited in the amended claims filed herewith, obvious under 35 USC §103(a) based on Hirono, singly or in combination with the teachings of Kondou.

Accordingly, the withdrawal of the outstanding obviousness rejection under 35 USC §103(a) based on Hirono in view of Kondou (U.S. Patent No. 6,073,075) is in order, and is therefore respectfully solicited.

In the Hirono patent, lines 34 - 41, column 4, are merely directed to the displaying, on a display 45, of GPS information (such as, latitude and longitude), and communicating with a map database server 1. Further, in Hirono, lines 57 - 67, column 6, are set forth below as follows:

> [w]hen it is judged that the block i corresponding to the value of the counter i is registered in the update list, the flow advances to step S26. The controller 42 determines whether or not the date and time according to the date-time data Dd[i] in the map database server 1 corresponding to the block i is more recent date and time than the date and time according to the date-time data Dn[i] in the flash memory 43 and, when it is judged that the date and time according to

> the Dd[i] is more recent date and time than the date and time of the
> Dn[i], data updating processing for the block i is made in step S27 to
> step S30.

Emphasis added. Here, updating of information, made in step S27 to step S30 is done "when it is judged that the date and time according to the Dd[i] is more recent data and time than the date and time of the Dn[i]." That is, comparison of information or data occurring at different dates and times are compared, and the more recent data is used for the updating process.

On the other hand, the applicants' information acquisition control unit includes a communication possibility determining section 485, which acquires time information regarding current data and time with a clock provided in a system control section 480. The communication possibility determining section 485 outputs a pre-specified signal to a set processing section 483 when it is determined that a communication operation can be executed by a terminal communication section 410.[1]

Also, see, for example, the updating of information based on "whether or not the current data and time acquired in S1 is over the term of validity of the map information acquired in step S2" in lines 1 - 12, page 18 of the applicants' specification. Also, see, for example, lines 4 - 13, page 30 of the applicants' specification.

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[1] Please see, lines 12 - 17, page 15 of the applicants' specification.

In other words, communication operation can be executed in which a set processing section

483 controls a terminal communication 410 for executing the processing for acquiring information

from a main server device 300 when a validity term or period has expired so that it is determined that

the communication operation can be executed. Such system operates based on current data being

over a validity term or period, which appears to be based on current data at the current time. Such

system of the applicant's invention is distinguishable over the mere comparison of date-time data

in acquiring the more recent date-time data, as taught in Hirono.

As to the secondary reference, Kondou's "updateable information"includes information

directed to restaurants and/or convenience shops, and more pertinently, to traffic jam information.

See, also, Kondou's lines 48 - 54, column 8, as forth as follow:

> [t]he module terminal 20 may set an effective term to the situation information downloaded
> from the information server 21, periodically inquire of the information server whether the
> effective term has expired, and if so, downloads the newest situation information even when
> the user does not move to the next area.

Emphasis added.

In the applicant's system, although acquired information, described in the applicant's

specification, includes travel route (lines 11 and 12, page 16), current vehicle position (lines 17 and

18, page 16), destination information (lines 2 and 3, page 17), such applicant's acquired information

further includes map information (lines 7 - 9, page 17) and traffic/weather information (line 7, page 21). In <u>Kondou</u>, the updateable information includes traffic jam information.

Also, as noted above, <u>Kondou</u> determines whether "the effective term [of the downloaded situation information] has expired." It is for this reason that the Examiner has further relied on <u>Kondou</u>'s lines 59 - 62, column 1 (in line 13, page 6 of the outstanding Action) for teaching that <u>Kondou</u>'s system is "capable of providing the user with proper information <u>on a real time basis</u>." At first glance, it would appear that such system in <u>Kondou</u> may be similar to the applicant's determining of whether or not the current data and time acquired in step S1 is over the validity term or period of the map information by the applicants' communication possibility determining section 485.[2] That is, in <u>Kondou</u>, it appears that its system similarly avoids acquiring information unless the information is up to date or current.

A further reading of <u>Kondou</u>, however, makes <u>Kondou</u>'s system more like the conventional system discussed in line 16, page 1 through line 18, page 2 of the applicants' specification. More particularly, <u>Kondou</u>, in lines 48 - 54, column 8, requires that its mobile terminal 20 "<u>periodically inquire</u> of the information server whether the effective term has expired" (emphasis added). Such teaching appears to be what the applicants' invention avoids. That is, as explained in lines 10 - 18,

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[2] Please see, again, lines 9 - 12, page 18 of the applicants' specification.

page 2 of the applicant's specification, the conventional system "acquire[s] information <u>through</u>

<u>continuous communication</u>" in order to acquire updated information. However, as explained, such

system delays and complicates the processing of information, and is costly in that it requires a large

processing load. As such, <u>Kondou</u>'s teachings do <u>not</u> supplement the above-discussed deficiencies

or drawbacks in the teachings of <u>Hirono</u> in failing to fully meet the applicants' claimed invention.

The applicant has thus added claims 32 - 37 so as to highlight such distinguishable structural

arrangements or features of the applicant's instant claimed invention. The applicant respectfully

requests that added claims 32 - 37 be similarly allowed.

In view of the aforementioned amendments and accompanying remarks, claims, as amended,

are in condition for allowance, which action, at an early date, is requested.
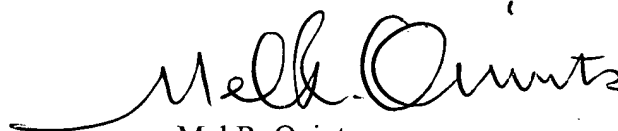

If, for any reason, it is felt that this application is not now in condition for allowance, the

Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated

below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 10/670,386
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Reply to OA dated December 2, 2004

In the event that this paper is not timely filed, Applicants respectfully petitions for an

appropriate extension of time. Please charge any fees for such an extension of time and any other

fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP

Mel R. Quintos
Attorney for Applicant
Reg. No. 31,898

MRQ/lrj/ipc

Atty. Docket No. **031144**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930

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